

Robert T. Mills (Arizona Bar #018853)
Sean A. Woods (Arizona Bar #028930)
MILLS + WOODS LAW, PLLC
5055 North 12th Street, Suite 101
Phoenix, Arizona 85014
Telephone 480.999.4556
docket@millsandwoods.com
swoods@millsandwoods.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Eastern Industries, LLC, a New York
limited liability company,

Plaintiff,

vs.

EarthCo Enterprises, LLC, an Arizona
limited liability company; Thomas Vella
and Jane Doe Vella, husband and wife,
Wesley Zlotoff and Jane Doe Zlotoff,
husband and wife; Dominic Riccobono
and Jane Doe Riccobano, husband and
wife, and Jack Thomas Riccobono and
Jane Roe Riccobono, husband and wife,
Scott Williams and Jane Doe Williams,
husband and wife,

Defendants.

Case No.: 2:23-cv-00109

**STIPULATION TO EXTEND
DEADLINES**

(Sixth Request)

(Assigned to the Honorable Susan M.
Brnovich)

Through counsel undersigned and pursuant to Rule 7.3 of the Local Rules of Civil Procedure, the parties hereby stipulate and agree to one last and final extension of deadlines and dates in this action – in particular, of the two remaining deadlines and one remaining hearing date in this action, all in accordance with the [Proposed] Order attached hereto.

Good cause exists for such an extension. The parties do not make this request lightly or with any intent or purpose to delay these proceedings, and they are fully and unfortunately aware that such a request no doubt strains the limits of the Court's patience.

1 Nevertheless, the need for such relief has arisen primarily because of unanticipated delay
2 caused by a third party – more particularly, because of a near-three-month delay on the part
3 of the Arizona Department of Agriculture (the “Department”) in responding to a subpoena
4 duces tecum for important documents in this matter.
5

6 On August 29, 2025, Plaintiff’s process server served the Department with a
7 subpoena duces tecum for the production of documents (the “Subpoena”). The letter
8 accompanying the Subpoena requested the Department produce the documents no later
9 than September 15, 2025. However, no response was received to the Subpoena. In the
10 interim between that and the present time, Plaintiff’s counsel left multiple voicemails with
11 Department personnel regarding the Department’s lack of response to the Subpoena, and
12 spoke with at least one Department employee who assured that an update on the production
13 would soon be forthcoming. Nevertheless, no response to, or update regarding, the
14 Subpoena was received from the Department until November 18, 2025. On that date,
15 Plaintiff’s counsel finally received an update on the Department’s response thereto, as an
16 official with the Department told Plaintiff’s counsel that she was working to get the
17 requested response out “within the week.” That came and went. Plaintiff’s next contact was
18 received on December 15, 2025. In that communication, the Department told Plaintiff’s
19 counsel “I apologize for the delay. I have reached out to our licensing staff regarding the
20 delay, and am continuing to work on accessing these records. Thank you.” While Plaintiff
21 was cautiously optimistic that the requested documents would have been received by
22 today’s date, they have not been received. Plaintiff has requested a further update, and may
23
24
25
26
27
28

1 need to seek Court intervention. However, counsel will still need time to review and
2 analyze the production and conduct further discovery related to it.

3
4 On top of the circumstances set forth above, multiple scheduling conflicts on both
5 sides as a result of busy caseloads, illnesses, and the Holiday Season have also
6 unfortunately delayed the progress of discovery.

7 The parties fully realize that the Court has been exceedingly understanding and
8 generous in granting five previous extensions of deadlines, and that a sixth such request at
9 this stage of the litigation certainly does not reflect the ideal litigation schedule envisioned
10 for a federal civil proceeding. While under normal circumstances such relief is the last
11 thing any of the parties would prefer to seek, under the unfortunate circumstances set forth
12 herein, and with an eye toward a resolution of this dispute on the merits rather than
13 procedural irregularity, the parties respectfully and apologetically make what will be their
14
15
16 last and final such request.

17 Accordingly, the parties stipulate and agree to modify the following dates and
18 deadlines in this action as follows:

- 19
20 1. The last day to complete fact discovery, from October 28, 2025 to **February**
21 **27, 2026**;
- 22 2. The last day to file dispositive motions, from December 29, 2025 to **April**
23 **30, 2026**, and;
- 24 3. The Telephonic Trial Setting Conference, from January 12, 2026 at 9:45 a.m.
25
26 to a date and time approximately one hundred twenty days later, to be set by the Court.

27 ///
28

RESPECTFULLY SUBMITTED this 29th day of December 2025.

MILLS + WOODS LAW, PLLC

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2025, I electronically transmitted the foregoing document to the following via the Court's ECF filing system:

Sandra E. Portney

sportney@warnerangle.com

landrosiuk@warnerangle.com

Peter J. Foster

pfoster@warnerangle.com

ebailey@warnerangle.com

lmazza@warnerangle.com

James Valletta

jvalletta@warnerangle.com

WARNER ANGLE HALLAM JACKSON & FORMANEK PLC

2555 E Camelback Rd., Ste. 800

Phoenix, AZ 85016

(602) 264-7101

Attorneys for Defendants

/s/ Ben Dangerfield